

Attorney Docket No.:
019557.0121

REISSUE PATENT

Express Mail Receipt No. EM299943547US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Reissue Application No.: _____

Reissue Applicant: EMS Control Systems International

Original Inventors: Scholten, et al.

Original Patent No.: 5,450,999

Issue Date: September 19, 1995

Title: VARIABLE SYSTEM INCLUDING ENVIRONMENTAL
MANAGEMENT SYSTEM INCLUDING A FUZZY
LOGIC SYSTEM

HONORABLE COMMISSIONER OF

PATENTS AND TRADEMARKS

WASHINGTON, D.C. 20231

Dear Sir:

ASSENT OF ASSIGNEE TO REISSUE

The undersigned, assignee of the entire interest in the
above-mentioned letters patent, hereby assents to the
accompanying reissue application.

Date: 17 SEPTEMBER

By: Bill Bartles

Bill Bartles

Title: Director

CSI Pacific, formerly
EMS Control Systems International PTY LTD
1625 West Crosby Road, Suite 100
Carrollton, Texas 75006

AUS01:115964.1
019557.0121

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Reissue Applicant: EMS Control Systems International
Original Inventors: Scholten, et al.
Original Patent No.: 5,450,999
Issue Date: September 19, 1995
Title: VARIABLE SYSTEM INCLUDING
ENVIRONMENTAL MANAGEMENT SYSTEM
INCLUDING A FUZZY LOGIC SYSTEM

Honorable Commissioner of
Patents and Trademarks
Washington, D.C. 20231

Dear Sir:

REISSUE DECLARATION BY INVENTORS AND POWER OF ATTORNEY

We, the undersigned, declare and state as follows:

1. Jean Henry Albert Scholten is an Australian citizen residing at 4116 Williams Court, Tarrant County, Grapevine Texas, 76151.

2. Anno Johannes Scholten is an Australian citizen residing at 2428 Brittany Lane, Grapevine, Tarrant County, Texas 76051.

3. We believe we are the original, first and joint inventors of the subject matter that is claimed and for which a reissue patent is sought on the invention entitled Variable Air Volume Environmental Management System Including a Fuzzy

Logic Control System, the specification of which is attached hereto.

4. We have reviewed and understand the contents of the subject specification, including the claims and amendments made thereto as referred to hereinbelow and submitted herewith.

5. We acknowledge the duty to disclose information that is material to the examination of this application in accordance with 37 C.F.R. § 1.56.

6. On information and belief, United States Patent No. 5,450,999 (the "999" Patent) from which a reissue patent is sought herein, is partly inoperative or invalid because of certain errors made without any deceptive intent, due to inadvertence and mistake, by virtue of the patent claiming less than we had a right to claim in the patent.

7. On information and belief, the present reissue application seeks to enlarge the scope of the claims of the "999" Patent.

8. We did not fully appreciate the true scope of the invention disclosed in the patent until after allowance of the patent. This error occurred due to assumptions that we made regarding the extent and scope of the prior art compared to our invention.

9. In the original application, the claims included a limitation directed towards a damper which controls the volume

of air passing from an air terminal. The damper adjusts air flow according to instructions received from a fuzzy logic control mechanism. The fuzzy logic control mechanism determines incremental damper positions by comparing a sensed temperature measurement with a temperature setpoint to determine an airflow setpoint, and by adjusting the damper position based upon a comparison of the airflow setpoint and a sensed airflow measurement.

10. The damper is not required to define a variable air volume control system that is patentable over the prior art to the "999" Patent. During prosecution of the "999" Patent, we mistakenly believed that a damper was necessary to define the invention over the prior art. We were mistaken in our belief because, prior to our invention, it was not known to use a fuzzy logic control mechanism to control an environment associated with an air terminal. The damper limitation in the claims of the "999" Patent therefore was not necessary to define patentable subject matter. This misunderstanding on the patentability of the subject matter in Applicant's specification arose without any deceptive intent on our part because we failed to appreciate that the claims did not embrace the full scope of our invention.

11. Claim language regarding using the present invention to control an environment by varying the amount of air through an air terminal is not required to patent the current invention over the prior art of the "999" Patent. The current invention applies to controlling an environment by varying the flow of media other than air, as well as varying the flow of air. For example, at Col. 7 lines 59-68 and Col. 8 lines 1-4

the "999" Patent discusses one embodiment of the current invention whereby the invention controls the flow of water through coils. This misunderstanding on the patentability of the subject matter in Applicant's specification arose without any deceptive intent on our part because we failed to appreciate that the claims did not embrace the full scope of our invention.

12. New claims 43-48 include independent Claims 43 and 46. Independent Claim 43 recites a controller for an environmental control system. Independent Claim 46 recites a method for controlling an environment. These independent claims broaden the protection of the "999" Patent by eliminating the damper limitation, adding language regarding controlling an actuator, and eliminating the claim language regarding the use of the invention to control air flow through a terminal. Dependent Claims 44-45 and 47-48 regard using the present invention to move an actuator by sending an offset signal to the actuator or by moving the actuator to a defined new position. Support for precise control by the present invention is found in the discussion of an embodiment at Col. 17, lines 18-38. Furthermore, Claims 44-45 and 47-48 depend from the independent claims and are thus allowable as further describing the inventive concept.

We hereby appoint

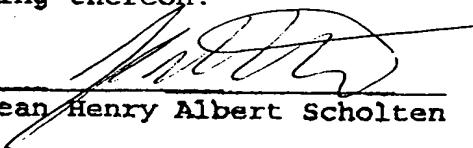
Jerry W. Mills	Reg. No. 23,005
Robert M. Chiaviello, Jr.	Reg. No. 32,461
Ann C. Livingston	Reg. No. 32,479
William N. Hulsey III	Reg. No. 33,402
Thomas R. Felger	Reg. No. 28,842
Charles S. Fish	Reg. No. 35,870
Robert H. Johnston III	Reg. No. 37,364
Wei Wei Jeang	Reg. No. 33,305

Kevin J. Meek	Reg. No. 33,738
Anthony E. Peterman	Reg. No. 38,270
Barton E. Showalter	Reg. No. 38,302
David G. Wille	Reg. No. 38,363
Christopher J. Rourk	Reg. No. 39,348
Philip W. Woo	Reg. No. 39,880
Bradley P. Williams	Reg. No. 40,227
Terry J. Stalford	Reg. No. 39,522
Christopher W. Kennerly	Reg. No. 40,675
Daniel P. Stewart	Reg. No. 41,332
Roger J. Fulghum	Reg. No. 39,678
Rodger L. Tate	Reg. No. 27,399
Scott F. Partridge	Reg. No. 28,142
James B. Arpin	Reg. No. 33,470
James Remenick	Reg. No. 36,902
Jay B. Johnson	Reg. No. 38,193
Christopher C. Campbell	Reg. No. 37,291
Stacy B. Margolies	Reg. No. 39,760
Robert W. Holland	Reg. No. 40,020
Steven R. Sprinkle	Reg. No. 40,825

all of the firm of Baker & Botts, L.L.P., as my attorneys with full power of substitution and revocation, to prosecute this application and to transact all business in the United States Patent and Trademark Office connected therewith, and to file and prosecute any international patent applications filed thereon before any international authorities.

12. I hereby declare that all statements made herein of our own knowledge are true and that all statements made on information and belief to be true; and further that these statements were made with knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001, Title 18 of the

United States Code and that willful false statements may jeopardize the validity of the application or any patent issuing thereon.

By: 
Jean Henry Albert Scholten

Dated: 17 SEP 97

By: 
Anno Johannes Scholten

Dated: 18 SEP '97

PATENT
Attorney Docket No.: CSI-1260

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In the Application of: Jean Henry Albert Scholten, et al.
Serial No. 08/932,652
Filing Date: September 18, 1997
Group Art No. 3744
Title VARIABLE AIR VOLUME ENVIRONMENTAL
MANAGEMENT SYSTEM INCLUDING A FUZZY
LOGIC CONTROL SYSTEM

Assistant Commissioner of Patents
Washington, D.C. 20231

CERTIFICATION UNDER 37 CFR §1.8

I hereby certify that this document is being deposited in the United States Postal Service as first class mail on the date identified below in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231

Janice Di Petta

Janice Di Petta

12-14-98

Date

REVOCATION OF POWER OF ATTORNEYS
AND
POWER OF ATTORNEY AND CHANGE OF MAILING ADDRESS

Sir:

EMS CONTROL SYSTEMS INTERNATIONAL which is the assignee of record of 100% of the right, title and interest in the above-identified application (as evidenced by the attached Assent of Assignee to Reissue), hereby revokes all previous Powers of Attorney and appoints the following attorneys, all of the firm of Gray Cary Ware & Freidenrich, LLP, to prosecute the above-identified patent application and to transact all business in the Patent and Trademark Office connected therewith.

WILLIAM N. HULSEY III
STEPHEN E. REITER
GREGORY P. RAYMER

Registration No. 33,402
Registration No. 31,192
Registration No. 36,647

AU4010264.1
103670-991260

Applicant(s): Jean Henry Albert Scholten, et al.
Serial No.: 08/932,652
Filed: September 18, 1997
Page 2

PATENT
Attorney Docket No.: CSI-1260

DAVID F. KLEINSMITH
BARRY N. YOUNG
TIMOTHY W. LOHSE
STANLEY H. KIM
DARLENE W. HAYES
RAMSEY R. STEWART
STEVEN R. SPRINKLE
MICHAEL A. HOFF

Registration No. 40,050
Registration No. 27,774
Registration No. 35,255
Registration No. 40,047
Registration No. 33,899
Registration No. 38,322
Registration No. 40,825
Registration No. 40,018

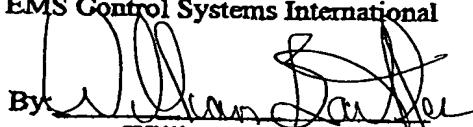
We acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations, § 1.56(a).

Direct all telephone calls to WILLIAM N. HULSEY III at (512) 457-7040.

Address all correspondence to:

William N. Hulsey III
GARY CARY WARE & FREIDENRICH, LLP
100 Congress Avenue, Suite 1440
Austin, Texas 78701

Respectfully submitted,

EMS Control Systems International

By: William Bartles
William Bartles
Vice President and Chief Financial Officer

Date: 1 DECEMBER 1998